

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JAMES ANTHONY DAVIS,

2:07-CV-1174 JCM (LRL)

**Plaintiff,**

Date: N/A  
Time: N/A

V.

HIGH DESERT STATE PRISON, et al.,

#### Defendants.

## ORDER

Presently before the court are the report and recommendations of United States Magistrate Judge Lawrence Leavitt, which were filed on November 12, 2008. (Doc. #11.) Judge Leavitt recommended dismissing defendant High Desert State Prison from this action because this institution is immune from suit under the Eleventh Amendment.

Local Rule IB 3-2 states that any party wishing to object to the findings and recommendations of a magistrate judge shall, within ten (10) days from the date of service of the findings and recommendations, file and serve specific written objections together with points and authorities in support thereof. This court then conducts a *de novo* determination of those portions of the specified findings or recommendations to which objections have been made. Here, no objections were filed.

Upon review of the magistrate judge's findings and recommendations and there being no objections filed,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Magistrate Judge Leavitt's

1 report and recommendations (Doc. # 11) are AFFIRMED in their entirety. Defendant High Desert  
2 State Prison is dismissed from this action with prejudice.

3 DATED this 27<sup>th</sup> day of January, 2009.

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5 *James C. Mahan*  
6 **UNITED STATES DISTRICT JUDGE**  
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